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UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

NUNE SHAKHRAMANYAN,

Plaintiff,

v.

UNITED STATES,

Defendant.

No. 1:23-cv-01010-MCE-KJN

**STIPULATION AND ORDER FOR
MODIFYING INITIAL PRETRIAL
SCHEDULING ORDER**

Pursuant to Federal Rule of Civil Procedure 26(f), Local Rule 240(b), and the Court's Initial Pretrial Scheduling Order (ECF 13), the parties have met and conferred regarding the nature of their claims and defenses; the possibility of promptly settling or resolving this case; the disclosures required by Rule 26(a); and developing a proposed discovery plan. Having so met and conferred,

IT IS HEREBY STIPULATED, by and among the parties and subject to Court approval, that the Initial Pretrial Scheduling Order shall be modified as set forth below:

Deadline for serving initial disclosures..... January 5, 2024

Deadline for completing fact discoveryOctober 11, 2024

Deadline for filing expert disclosuresNovember 15, 2024

Deadline for filing rebuttal expert disclosures..... January 10, 2025

Deadline for completing expert discovery March 7, 2025

Deadline for filing dispositive motions..... April 11, 2025

I. Brief Case Summary

This is a personal injury action against the United States arising under the Federal Tort Claims Act (“FTCA”), 28 U.S.C. §§ 1346(b)(1), 2671–80. In the operative Complaint (ECF 1), Plaintiff Nune Shakhramanyan asserts claims for “dangerous condition on public property” and negligence arising from personal injuries she sustained when, while wading in the Rainbow Pool in the Stanislaus National Forest on June 29, 2020, she fell over a waterfall.

In compliance with Federal Rule of Civil Procedure 26(f)(3), the parties provide the following additional information for the Court’s consideration.

II. Compliance with Federal Rule of Civil Procedure 26(f)(3)

A. Disclosures Pursuant to Rule 26(a)

The parties will serve their initial disclosures no later than January 5, 2024.

The parties will file expert disclosures no later than November 15, 2024. The parties will file any rebuttal expert disclosures no later than January 10, 2025.

B. Subjects and Timing of Discovery

The subjects of discovery will include the facts and circumstances of Plaintiff’s accident on June 29, 2020, and the existence, extent, and cause of any damages that Plaintiff attributes to the accident. The parties propose a deadline of October 11, 2024, to complete fact discovery.

C. Electronically Stored Information

The parties do not anticipate significant discovery of electronically stored information in this action. In the event that such discovery becomes necessary and appropriate under Rule 26(b) of the

Federal Rules of Civil Procedure, the parties will cooperate in good faith regarding the retrieval and production of such information.

D. Protection of Privileges or Trial-Preparation Materials

Pursuant to Rule 502(d) of the Federal Rules of Evidence, the disclosure of any document or communication that is subject to the attorney-client privilege or attorney work-product doctrine shall not operate as a waiver of the privilege or protection from discovery in the instant case or any other proceeding, regardless of whether such disclosure is inadvertent.

E. Changes in Discovery Limitations

The parties do not propose any changes to the limitations imposed on discovery by the Federal Rules of Civil Procedure and the Court's Local Rules.

F. Other Orders Concerning Discovery

The parties agree to accept service via e-mail and the Department of Justice's cloud-based file-sharing platform, USAfx (<https://usafx.account.box.com>), pursuant to Rule 5(b)(2)(E) of the Federal Rules of Civil Procedure.

Dated: January 9, 2024

Respectfully submitted,

LAW OFFICES OF RICHARD M. FOSTER

By: /s/ Richard M. Foster (authorized 1/4/2024)
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United States Attorney

By: /s/ Joseph B. Frueh
JOSEPH B. FRUEH
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Attorneys for Defendant
UNITED STATES OF AMERICA

IT IS SO ORDERED.

DATED: JANUARY 16, 2024


MORRISON C. ENGLAND, JR.
SENIOR UNITED STATES DISTRICT JUDGE